

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

FRANKLIN WOODS,

Petitioner,

: Case No. 1:20-cv-618

- vs -

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

WARDEN, Warren Correctional
Institution

:

Respondent.

**DECISION AND ORDER DENYING MOTION TO EXPAND THE
RECORD**

This habeas corpus case is before the Court on Petitioner's Motion to Expand the Record (ECF No. 35). The materials sought to be added to the record are an "Audio CD used in the motion to suppress hearing." However, no audio recording was filed with the motion. Rather, there are three exhibits described as follows:

1. A sixteen-page document labeled "Statement of Franklin Woods" (Motion, ECF No. 35, PageID 1768-83
2. A second ten-page document labeled "Statement of Franklin Woods." *Id.* at PageID 1783-93.
3. An untitled nine-page document with a number of redactions. PageID 1794-1802.

In the underlying criminal case, Petitioner filed a motion to suppress

all evidence related to, and stemming from, the interrogations of Defendant conducted at the Lawrence County Children's Services Office by Children's Services Agents Randy Thomas and Amber Stamper; and by Sheriff's Deputy Brian Chaffins, on November 17,

2015; because Defendant was not properly given Miranda warnings, and the interrogators engaged in coercive and deceptive practices in order to obtain a confession.

(Motion, State Court Record ECF No. 7, Ex. 6, PageID 117.) The Motion was heard on June 21, 2016; a transcript was filed March 27, 2017. *Id.* According to the transcript, the State submitted two recordings of statements made by Petitioner which were not played at the hearing, but submitted to be listened to by Judge Cooper at a later time. *Id.* at PageID 514.

The Motion is denied for the following reasons.

First of all, the Motion is very untimely. The State Court Record in this case was filed October 13, 2020 (ECF No. 7). If it needed supplementation regarding the motion to suppress, Petitioner should have made his motion before the Court considered the case on the merits. The case has been ripe for Judge Black's consideration on the merits since April 14, 2021. The Motion is not accompanied by any argument about how these purported transcripts would change the result in the case.

Second, these purported transcripts are completely unauthenticated, containing no proof that they are what they purport to be.

Accordingly the Motion to Expand the Record is DENIED.

June 2, 2022.

s/ Michael R. Merz
United States Magistrate Judge